

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 20, 1991

ALL-COUNTY LETTER NO. 91-24

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY GAIN COORDINATORS

SUBJECT: ELIMINATION OF GAIN TRANSPORTATION CAPS (CRARY V.
DEPARTMENT OF SOCIAL SERVICES)

REFERENCE: ALL-COUNTY LETTER (ACL) 90-86; ALL COUNTY GAIN
COORDINATORS LETTER DATED OCTOBER 16, 1989; MANUAL
OF POLICIES AND PROCEDURES (MPP) 42-750.312
AND 42-750.315

This is a follow-up to ACL 90-86 dated September 12, 1990, which informed you of the decision in the Crary v. Department of Social Services case. As a result of questions we have received since issuing that letter, we believe that there is a need to further clarify the issue of transportation limits in the Greater Avenues for Independence (GAIN) Program.

Under the Crary Court Order, the only allowable limitations on reimbursement for GAIN participant travel are:


1. Participants may be denied per-mile reimbursement for the use of private vehicles when public transportation meeting the requirements of MPP 42-783.1 is available. Public transportation is not considered available if the round trip will actually take more than two hours, including transfer times.

As specified in MPP 42-750.314, participants who use private vehicles when public transportation which does not violate the requirements of MPP 42-783.1(b) is available shall be reimbursed at a rate which does not exceed the least costly form of public transportation. In accordance with MPP 42-783.1(b), participation may not be required if travel between the place of employment or training and one's home exceeds a total of two hours round trip, excluding the time required to take family members to and from school or care providers.

2. When public transportation meeting the requirements of MPP 42-783.1(b) is not available, per-mile reimbursement for participants who drive private vehicles is the rate used to reimburse County Welfare Department employees for the use of privately-owned vehicles. All participants must be reimbursed for all actual miles driven to GAIN activities. A county may not deny reimbursement of the county employee mileage rate because it assumes that public transportation is available within the two-hour round-trip limit for all GAIN participants irrespective of individual circumstances to the contrary. An individual determination must be made prior to establishing that less costly public transportation is reasonably available. Participants must be reimbursed for claims which they submit for mileage driven to and from GAIN-authorized activities if less costly public transportation is not available based on individual circumstances.

Any transportation reimbursement policy which is not in accordance with the above criteria would constitute an illegal transportation cap. The list of illegal limitations which was provided in ACL 90-86 is illustrative, not exhaustive. Any cap or restriction which results in reimbursement of less than the County Welfare Department rate times the actual miles driven is invalid. Additionally, counties may not enforce a policy which would deny Self-Initiated Program (SIP) approval based solely on the costs of transportation. A SIP may only be denied for failure to meet the criteria in MPP 42-772.4.

As stated in ACL 90-86, we are developing a plan to implement retroactive payments for transportation expenses which were unpaid or underpaid due to imposition of illegal transportation caps and encourage you to flag affected cases. Thank you for your cooperation. If you have any questions concerning the information in this letter, please contact your GAIN and Employment Services Operations Bureau analyst at (916) 324-6962.



DENNIS J. BOYLE
Deputy Director

cc: CWDA